

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	94 CR 280 - 1	DATE	2/20/2001
CASE TITLE	USA vs. Ricardo Rivera		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]


## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. This court grants that last-mentioned relief (a 30-day extension of the right to appeal) on the premise that the current motion's origin in a criminal case makes those rules most appropriate for application (see Rule 12 of the Rules Governing Section 2255 Proceedings for the United States District Courts). (169-1)

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.		number of notices	<b>Document Number</b>  170
No notices required.		date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		docketing deputy initials	
Notified counsel by telephone.		2/20/2001	
Docketing to mail notices.		date mailed notice	
Mail AO 450 form.		SN	mailing deputy initials
Copy to judge/magistrate judge.			
SN	courtroom deputy's initials	Date/time received in central Clerk's Office	

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or amend a judgment, this Court would be without power to extend the specified time period by reason of Rule 6(b). If instead the Rules applicable to criminal cases are to be looked at, the motion is not one that qualifies under Fed. R. App. P. ("App. Rule") 4(b)(3), so that the most that this Court could do by way of an extension is to grant Rivera another 30 days within which to file a notice of appeal (see App. Rule 4(b)(4)) beyond a period of 10 days after the entry of the February 1 order (see App. Rule 4(b)(1)(A)).

This Court grants that last-mentioned relief (a 30-day extension of the right to appeal) on the premise that the current motion's origin in a criminal case makes those rules most appropriate for application (see Rule 12 of the Rules Governing Section 2255 Proceedings for the United States District Courts). But in any event, Rivera should understand that if and when he may choose to tender a further filing asking for reconsideration of the Order, this Court will treat such a request under the appropriate standards.



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Milton I. Shadur  
Senior United States District Judge

Date: February 20, 2001